

EXHIBIT A

EXHIBIT A
Intentionally
Omitted

EXHIBIT B

1 MILBANK, TWEED, HADLEY & McCLOY LLP
2 Gregory Evans (State Bar No. 147623)
3 601 South Figueroa Street, 30th Floor
4 Los Angeles, California 90017
5 Telephone: (213) 892-4000
6 Facsimile: (213) 629-5063
7 gevans@milbank.com

8 MILBANK, TWEED, HADLEY & McCLOY LLP
9 Christopher E. Chalsen (*Pro Hac Vice to be filed*)
10 Michael M. Murray (*Pro Hac Vice to be filed*)
11 Lawrence T. Kass (*Pro Hac Vice to be filed*)
12 Milbank, Tweed, Hadley & McCloy LLP
13 1 Chase Manhattan Plaza
14 New York, NY 10005
15 Telephone: (212) 530-5000
16 Facsimile: (212) 530-5219
17 cchalsen@milbank.com
18 mmurray@milbank.com
19 lkass@milbank.com
20 Attorneys for Plaintiffs,
21 FUJITSU LIMITED and
22 FUJITSU MICROELECTRONICS AMERICA, INC.

E-FILING
ADR

ORIGINAL
FILED

OCT 24 2006

RICHARD W. WIEKING
CLERK OF THE DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

C06 06613 EDL

CASE NO. CV-06-

COMPLAINT FOR PATENT
INFRINGEMENT AND
DECLARATORY JUDGMENT

DEMAND FOR JURY TRIAL

23 FUJITSU LIMITED, a Japanese
corporation, and FUJITSU
24 MICROELECTRONICS AMERICA,
INC., a California corporation,

Plaintiffs,

v.
25 NANYA TECHNOLOGY CORP., a
Taiwanese corporation, and NANYA
26 TECHNOLOGY CORP. U.S.A., a
California corporation,

Defendants.

27
28
COMPLAINT

1 Plaintiff Fujitsu Limited ("Fujitsu") and Fujitsu Microelectronics
2 America, Inc. ("Fujitsu America") (collectively, "Plaintiffs"), for their complaint
3 against Defendants Nanya Technology Corp. ("Nanya") and Nanya Technology
4 Corp. U.S.A. ("Nanya USA") (collectively, "Defendants"), aver as follows:

5 **THE PARTIES**

6 1. Fujitsu is a corporation organized and existing under the laws
7 of Japan. Fujitsu is a leading researcher, designer, manufacturer, and provider of
8 information technology and communications products and services. As a result of
9 its innovation, Fujitsu has been awarded various patents relating to computer
10 memory products such as double-data-rate synchronous dynamic random access
11 memory (DDR SDRAM) chips.

12 2. Fujitsu America is a wholly owned subsidiary of Fujitsu, and is
13 a California corporation with headquarters and principal place of business at 1250
14 E. Arques Avenue, M/S 333, Sunnyvale, California 94088-3470.

15 3. Defendant Nanya is a corporation organized and existing under
16 the laws of Taiwan, having its principal place of business at Hwa-Ya Technology
17 Park 669, Fu Hsing 3rd Rd., Kueishan, Taoyuan, Taiwan, Republic of China.
18 Upon information and belief, Nanya manufactures products, including the memory
19 chips accused of infringement in this Complaint, for sale and importation into the
20 United States directly through its own actions and indirectly by Defendant Nanya
21 USA.

22 4. Defendant Nanya USA is a corporation organized and existing
23 under the laws of the State of California, having its principal place of business at
24 675 East Brokaw Road, San Jose, CA 95112. Upon information and belief, Nanya
25 USA is a wholly-owned subsidiary of Defendant Nanya, and has sold or sells
26 products manufactured by Nanya or Nanya USA, including the memory chips
27 accused of infringement in this Complaint, to customers in the State of California
28 and elsewhere in the United States. Upon further information and belief, the

1 accused memory chips are incorporated by customers of Nanya or Nanya USA,
 2 who are manufacturers of computers and other electronic devices, into computers
 3 and other electronic devices sold in the State of California, including customers
 4 located in this judicial district.

5 **JURISDICTION**

6 5. This is an action arising under the Patent Laws of the United
 7 States, Title 35 of the United States Code and the Declaratory Relief Act. This
 8 Court has subject matter jurisdiction over this action under 28 U.S.C. § 1338(a),
 9 which confers jurisdiction over cases of patent infringement, 28 U.S.C. § 1331,
 10 which confers federal question jurisdiction and 28 U.S.C. § 2201(a), which confers
 11 jurisdiction over declaratory judgment actions.

12 6. This Court has general personal jurisdiction over Nanya USA
 13 because Nanya USA is incorporated under the laws of the State of California and
 14 has its principal place of business in San Jose, California.

15 7. This Court has personal jurisdiction over Nanya and Nanya
 16 USA under California Code of Civil Procedure § 410.10, *inter alia*, on the basis
 17 that upon information and belief, Nanya and Nanya USA have sold, and continue
 18 to sell infringing memory chips to manufacturers of computers and other electronic
 19 devices in this District and elsewhere in the United States, who in turn have sold
 20 and continue to sell computers and other electronic devices containing the
 21 infringing memory chips to customers in this District and elsewhere in the United
 22 States. Upon further information and belief, Nanya, as 100% owner of Nanya
 23 USA, has been directing Nanya USA's sales activities. Upon information and
 24 belief, Nanya also knew that said manufacturers of computers and other electronic
 25 devices reside in this District and elsewhere in the United States, and would sell
 26 devices containing the infringing memory chips to customers in this District and
 27 elsewhere in the United States, and Nanya derived and continues to derive
 28 substantial revenue therefrom.

VENUE

2 8. Venue is proper in this judicial district under 28 U.S.C.
3 §§ 1391(c) and 1400(b).

INTRADISTRICT ASSIGNMENT

5 9. Pursuant to Civil L.R. 3-2(c) and (e), the San Jose Division is
6 the proper division to be assigned this action, based on Nanya USA's residence in
7 Santa Clara County as well as Nanya and Nanya USA's infringing activities in
8 Santa Clara County.

FUJITSU'S PATENTS

10. Fujitsu is the assignee and owner of the following United States
11. patents ("Fujitsu's Patents"):

- a. U.S. Patent No. 4,801,989 ("the '989 patent", Exh. A hereto), entitled "Dynamic Random Access Memory Having Trench Capacitor With Polysilicon Lined Lower Electrode," which was duly and legally issued on January 31, 1989 to Masao Taguchi;
- b. U.S. Patent No. 6,104,486 ("the '486 patent", Exh. B hereto), entitled "Fabrication Process of a Semiconductor Device Using Ellipsometry," which was duly and legally issued on August 15, 2000 to Hiroshi Arimoto.
- c. U.S. Patent No. 6,292,428 B1 ("the '428 patent", Exh. C hereto), entitled "Semiconductor Device Reconciling Different Timing Signals," which was duly and legally issued on September 18, 2001 to Hiroshi Tomita and Tatsuya Kanda.
- d. U.S. Patent No. 6,320,819 B2 ("the '819 patent", Exh. D hereto), entitled "Semiconductor Device Reconciling Different Timing Signals," which was duly and legally issued on November 20, 2001 to Hiroshi Tomita and Tatsuya Kanda.

NANYA'S PATENTS

1 11. In a complaint filed by Nanya against Plaintiffs in Guam on
2 September 13, 2006 (but not yet served), Civil Case No. 06-00025 ("the Guam
3 Complaint"), Nanya purported to be the owner of all rights, title, and interest in
4 and under the following United States patents ("Nanya's Patents"):

- 5 a. U.S. Patent No. 6,790,765 ("the '765 patent", Exh. E hereto), titled
6 "Method For Forming Contact";
7 b. U.S. Patent No. 6,225,187 ("the '187 patent", Exh. F hereto), entitled
8 "Method For STI-Top Rounding Control";
9 c. U.S. Patent No. 6,426,271 ("the '271 patent", Exh. G hereto), entitled
10 "Method Of Rounding The Comer Of A Shallow Trench Isolation
11 Region."

12 12. The Guam Complaint asserts Nanya's Patents against Plaintiffs.

13 13. By virtue of Nanya's actions, Plaintiffs reasonably believe that
14 Nanya imminently intends to pursue against them an infringement action involving
15 Nanya's Patents.

16 14. Plaintiffs deny that they infringe any valid claim of any of the
17 Nanya Patents.

18 15. An actual and justiciable controversy exists between Nanya and
19 Plaintiffs concerning whether Plaintiffs infringe any valid claim of the Nanya
20 Patents. Plaintiffs now seek a declaratory judgment that they do not infringe any
21 valid claim of the Nanya Patents, and that the claims of the Nanya Patents are
22 invalid.

FIRST CLAIM FOR RELIEF

(Infringement of the '989 Patent)

23 16. Plaintiffs re-allege and incorporate by reference herein each of
24 the averments set forth in paragraphs 1-10 of this Complaint.

1 17. Nanya and Nanya USA have been and still are infringing one or
 2 more claims of the '989 patent by making, using, offering for sale, selling and/or
 3 importing into the United States memory chips and by causing use, offer for sale
 4 and sale of computers and other electronic devices containing memory chips.
 5 Infringing memory chips made, used, sold, offered for sale or imported by Nanya
 6 and Nanya USA include at least Nanya's 256M DDR SDRAM (e.g., part no.
 7 NT5D64M4AT). On information and belief, there are additional infringing
 8 memory chips.

9 18. Nanya and Nanya USA's actions constitute infringement, active
 10 inducement of infringement, and/or contributory infringement of the '989 patent in
 11 violation of 35 U.S.C. § 271.

12 19. Fujitsu has sustained damages and will continue to sustain
 13 damages as a result of the aforesaid acts of infringement.

14 20. Nanya and Nanya USA's continued infringement of the '989
 15 patent has caused and will continue to cause Fujitsu irreparable harm unless
 16 enjoined by the Court.

17 21. On information and belief, Nanya and Nanya USA's
 18 infringements of the '989 patent have been willful.

19 **SECOND CLAIM FOR RELIEF**

20 **(Infringement of the '486 Patent)**

21 22. Plaintiffs re-allege and incorporate by reference herein each of
 22 the averments set forth in paragraphs 1-10 of this Complaint.

23 23. Nanya and Nanya USA have been and still are infringing one or
 24 more claims of the '486 patent by making, using, offering for sale, selling and/or
 25 importing into the United States memory chips and by causing use, offer for sale
 26 and sale of computers and other electronic devices containing memory chips.
 27 Upon information and belief, infringing memory chips made, used, sold, offered
 28 for sale or imported by Nanya and Nanya USA include at least the following:

1 512M DDR SDRAM; 512M DDR2 SDRAM; 256M DDR2 SDRAM; 1G DDR2
2 SDRAM; and SDRAM memory module products equipped with one or more of
3 the 512M DDR SDRAM; 512M DDR2 SDRAM; 256M DDR2 SDRAM; and 1G
4 DDR2 SDRAM .

5 24. Nanya and Nanya USA's actions constitute infringement, active
6 inducement of infringement, and/or contributory infringement of the '486 patent in
7 violation of 35 U.S.C. § 271.

8 25. Fujitsu has sustained damages and will continue to sustain
9 damages as a result of the aforesaid acts of infringement.

10 26. Nanya and Nanya USA's continued infringement of the '486
11 patent has caused and will continue to cause Fujitsu irreparable harm unless
12 enjoined by the Court.

13 27. On information and belief, Nanya and Nanya USA's
14 infringements of the '486 patent have been willful.

15 **THIRD CLAIM FOR RELIEF**

16 **(Infringement of the '428 Patent)**

17 28. Plaintiffs re-allege and incorporate by reference herein each of
18 the averments set forth in paragraphs 1-10 of this Complaint.

19 29. Nanya and Nanya USA have been and still are infringing one or
20 more claims of the '428 patent by making, using, offering for sale, selling and/or
21 importing into the United States memory chips and causing use, offer for sale and
22 sale of computers and other electronic devices containing memory chips.
23 Infringing memory chips made, used, sold, offered for sale or imported by Nanya
24 and Nanya USA include at least the 256M DDR SDRAM (e.g., part no.
25 NT5D64M4AT). On information and belief, Defendants' additional infringing
26 memory chips include at least the following: 128M DDR SDRAM; 512M DDR
27 SDRAM; 512M DDR2 SDRAM; 1G DDR2 SDRAM; 128M DDR SDRAM
28 Graphic (Elixir); 512M DDR SDRAM Graphic (Elixir); 256M DDR2 SDRAM

1 Graphic (Elixir); 512M DDR2 SDRAM Graphic (Elixir); 512M DDR UDIMM;
2 1G DDR UDIMM; 512M DDR SODIMM; 1G DDR SODIMM; 512M DDR
3 RDIMM; 1G DDR RDIMM; 2G DDR RDIMM; 256M DDR2 UDIMM; 512M
4 DDR2 UDIMM; 1G DDR2 UDIMM; 2G DDR2 UDIMM; 256M DDR2
5 SODIMM; 512M DDR2 SODIMM; 1G DDR2 SODIMM; 512M DDR2 RDIMM;
6 1G DDR2 RDIMM; 2G DDR2 RDIMM; 512M DDR2 FBDIMM; 1G DDR2
7 FBDIMM; 2G DDR2 FBDIMM; 512M DDR SDRAM SODIMM (Elixir); 128M
8 DDR SDRAM Unbuffered DIMM (Elixir); 512M DDR SDRAM Unbuffered
9 DIMM (Elixir); 1G DDR SDRAM Unbuffered DIMM (Elixir); 256M DDR2
10 SDRAM SO DIMM (Elixir); 512M DDR2 SDRAM SO DIMM (Elixir); 1G DDR2
11 SDRAM SO DIMM (Elixir); 256M DDR2 SDRAM Unbuffered DIMM (Elixir);
12 512M DDR2 SDRAM Unbuffered DIMM (Elixir); 1G DDR2 SDRAM
13 Unbuffered DIMM (Elixir); 512M DDR SDRAM SO DIMM (Super Elixir); 1G
14 DDR SDRAM SO DIMM (Super Elixir); 128M DDR SDRAM Unbuffered DIMM
15 (Super Elixir); 512M DDR SDRAM Unbuffered DIMM (Super Elixir); 1G DDR
16 SDRAM Unbuffered DIMM (Super Elixir); 256M DDR2 SDRAM SO DIMM
17 (Super Elixir); 512M DDR2 SDRAM SO DIMM (Super Elixir); 1G DDR2
18 SDRAM SO DIMM (Super Elixir); 256M DDR2 SDRAM Unbuffered DIMM
19 (Super Elixir); 512M DDR2 SDRAM Unbuffered DIMM (Super Elixir); and 1G
20 DDR2 SDRAM Unbuffered DIMM (Super Elixir).

21 30. Nanya and Nanya USA's actions constitute infringement, active
22 inducement of infringement, and/or contributory infringement of the '428 patent in
23 violation of 35 U.S.C. § 271.

24 31. Fujitsu has sustained damages and will continue to sustain
25 damages as a result of the aforesaid acts of infringement.

26 32. Nanya and Nanya USA's continued infringement of the '428
27 patent has caused and will continue to cause Fujitsu irreparable harm unless
28 enjoined by the Court.

1 33. On information and belief, Nanya and Nanya USA's
 2 infringements of the '428 patent have been willful.

3 **FOURTH CLAIM FOR RELIEF**

4 **(Infringement of the '819 Patent)**

5 34. Plaintiffs re-allege and incorporate by reference herein each of
 6 the averments set forth in paragraphs 1-10 of this Complaint.

7 35. Nanya and Nanya USA have been and still are infringing one or
 8 more claims of the '819 patent by making, using, offering for sale, selling and/or
 9 importing into the United States memory chips and causing use, offer for sale and
 10 sale of computers and other electronic devices containing memory chips.
 11 Infringing memory chips made, used, sold, offered for sale or imported by Nanya
 12 and Nanya USA include at least the 256M DDR SDRAM (e.g., part no.
 13 NT5D64M4AT). On information and belief, Defendants' additional infringing
 14 memory chips include at least the following: 128M DDR SDRAM; 512M DDR
 15 SDRAM; 512M DDR2 SDRAM; 1G DDR2 SDRAM; 128M DDR SDRAM
 16 Graphic (Elixir); 512M DDR SDRAM Graphic (Elixir); 256M DDR2 SDRAM
 17 Graphic (Elixir); 512M DDR2 SDRAM Graphic (Elixir); 512M DDR UDIMM;
 18 1G DDR UDIMM; 512M DDR SODIMM; 1G DDR SODIMM; 512M DDR
 19 RDIMM; 1G DDR RDIMM; 2G DDR RDIMM; 256M DDR2 UDIMM; 512M
 20 DDR2 UDIMM; 1G DDR2 UDIMM; 2G DDR2 UDIMM; 256M DDR2
 21 SODIMM; 512M DDR2 SODIMM; 1G DDR2 SODIMM; 512M DDR2 RDIMM;
 22 1G DDR2 RDIMM; 2G DDR2 RDIMM; 512M DDR2 FBDIMM; 1G DDR2
 23 FBDIMM; 2G DDR2 FBDIMM; 512M DDR SDRAM SODIMM (Elixir); 128M
 24 DDR SDRAM Unbuffered DIMM (Elixir); 512M DDR SDRAM Unbuffered
 25 DIMM (Elixir); 1G DDR SDRAM Unbuffered DIMM (Elixir); 256M DDR2
 26 SDRAM SO DIMM (Elixir); 512M DDR2 SDRAM SO DIMM (Elixir); 1G DDR2
 27 SDRAM SO DIMM (Elixir); 256M DDR2 SDRAM Unbuffered DIMM (Elixir);
 28 512M DDR2 SDRAM Unbuffered DIMM (Elixir); 1G DDR2 SDRAM

1 Unbuffered DIMM (Elixir); 512M DDR SDRAM SO DIMM (Super Elixir); 1G
2 DDR SDRAM SO DIMM (Super Elixir); 128M DDR SDRAM Unbuffered DIMM
3 (Super Elixir); 512M DDR SDRAM Unbuffered DIMM (Super Elixir); 1G DDR
4 SDRAM Unbuffered DIMM (Super Elixir); 256M DDR2 SDRAM SO DIMM
5 (Super Elixir); 512M DDR2 SDRAM SO DIMM (Super Elixir); 1G DDR2
6 SDRAM SO DIMM (Super Elixir); 256M DDR2 SDRAM Unbuffered DIMM
7 (Super Elixir); 512M DDR2 SDRAM Unbuffered DIMM (Super Elixir); and 1G
8 DDR2 SDRAM Unbuffered DIMM (Super Elixir).

9 36. Nanya and Nanya USA's actions constitute infringement, active
10 inducement of infringement, and/or contributory infringement of the '819 patent in
11 violation of 35 U.S.C. § 271.

12 37. Fujitsu has sustained damages and will continue to sustain
13 damages as a result of the aforesaid acts of infringement.

14 38. Nanya and Nanya USA's continued infringement of the '819
15 patent has caused and will continue to cause Fujitsu irreparable harm unless
16 enjoined by the Court.

17 39. On information and belief, Nanya and Nanya USA's
18 infringements of the '819 patent have been willful.

FIFTH CLAIM FOR RELIEF

(Declaratory Judgment of Noninfringement regarding the '765 Patent)

20 40. Plaintiffs re-allege and incorporate by reference herein each of
21 the averments set forth in paragraphs 1-15 of this Complaint.

22 41. Plaintiffs are not directly infringing, contributorily infringing,
23 or actively inducing others to infringe any valid claim of the '765 patent as
24 properly construed.

25
26
27
28

SIXTH CLAIM FOR RELIEF

(Declaratory Judgment of Invalidity regarding the '765 Patent)

42. Plaintiffs re-allege and incorporate by reference herein each of the averments set forth in paragraphs 1-15 of this Complaint.

43. The '765 patent is invalid for failing to satisfy the conditions for patentability set forth in Title 35 of the United States Code, including but not limited to sections 102, 103, and/or 112.

SEVENTH CLAIM FOR RELIEF

(Declaratory Judgment of Noninfringement regarding the '187 patent)

44. Plaintiffs re-allege and incorporate by reference herein each of the averments set forth in paragraphs 1-15 of this Complaint.

45. Plaintiffs are not directly infringing, contributorily infringing, or actively inducing others to infringe any valid claim of the '187 patent as properly construed.

EIGHTH CLAIM FOR RELIEF

(Declaratory Judgment of Invalidity regarding the '187 patent)

46. Plaintiffs re-allege and incorporate by reference herein each of the averments set forth in paragraphs 1-15 of this Complaint.

47. The '187 patent is invalid for failing to satisfy the conditions for patentability set forth in Title 35 of the United States Code, including but not limited to sections 102, 103, and/or 112.

NINTH CLAIM FOR RELIEF

(Declaratory Judgment of Noninfringement regarding the '271 patent)

48. Plaintiffs re-allege and incorporate by reference herein each of the averments set forth in paragraphs 1-15 of this Complaint.

49. Plaintiffs are not directly infringing, contributorily infringing, or actively inducing others to infringe any valid claim of the '271 patent as properly construed.

TENTH CLAIM FOR RELIEF

(Declaratory Judgment of Invalidity regarding the '271 patent)

50. Plaintiffs re-allege and incorporate by reference herein each of the averments set forth in paragraphs 1-15 of this Complaint.

51. The '271 patent is invalid for failing to satisfy the conditions for patentability set forth in Title 35 of the United States Code, including but not limited to sections 102, 103, and/or 112.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs prays that this Court enter judgment in its favor and against Defendants and grant the following relief:

A. A preliminary and permanent injunction preventing further infringement, contributory infringement and inducement of infringement of Fujitsu's Patents;

B An accounting to determine damages for infringement;

C. An award of damages for infringement;

D. An assessment and award of interest, including pre-judgment interest, on the damages determined;

F A trebling of those damages pursuant to 35 U.S.C. § 284;

F. A declaration that Plaintiffs do not infringe any valid claim of any of the Nanya Patents.

G. A declaration that the claims of the Nanya Patents asserted against Plaintiffs are invalid.

H. A finding that this is an exceptional case and an award of Plaintiffs' costs and attorney fees; and

I. Such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury as to all claims and all issues properly triable thereby.

Respectfully submitted,

Dated: October 23, 2006

By:

Milbank, Tweed, Hadley & McCloy
LLP
Gregory Evans (State Bar No.
147623)
601 South Figueroa Street, 30th Floor
Los Angeles, California 90017
Telephone: (213) 892-4000
Facsimile: (213) 629-5063

Milbank, Tweed, Hadley & McCloy
LLP
Christopher E. Chalsen
Michael M. Murray
Lawrence T. Kass
Frank A. Bruno
1 Chase Manhattan Plaza
New York, NY 10005
Telephone: (212) 530-5000
Facsimile: (212) 530-5219

Attorneys for Plaintiffs
FUJITSU LIMITED and
FUJITSU MICROELECTRONICS
AMERICA, INC.

LA1 : #6334633

JS-44 - CAND (Rev. 11/84)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO.)

I.(a) PLAINTIFFS

FUJITSU LIMITED, a Japanese Corporation, and FUJITSU
MICROELECTRONICS AMERICA, INC., a California
Corporation

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

Japan

(C) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Gregory Evans, Milbank, Tweed, Hadley & McCloy LLP, 601
South Figueroa St., Los Angeles, CA 90017 (213) 892-4000

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 2 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 3 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item 18)

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 121 Original Proceeding	<input type="checkbox"/> Remanded from State Court	<input type="checkbox"/> Remanded from Appellate Court	<input type="checkbox"/> Reinstated or Resumed	<input type="checkbox"/> Transferred from Another district (specify)	<input type="checkbox"/> Multidistrict Litigation	<input type="checkbox"/> Appeal to Circuit Judge from Magistrate Judgment
--	--	--	--	--	---	---

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	<input type="checkbox"/> 310 Agriculture	<input type="checkbox"/> 422 Appeals 28 USC 129	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 423 Other Feed & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Motor Act	<input type="checkbox"/> 311 Airplane Product Liability	<input type="checkbox"/> 425 Drug Related Injury of Property 21 USC 361		<input type="checkbox"/> 425 Tenders and Badges
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 312 Aircraft Label & Shader	<input type="checkbox"/> 426 Liquor Laws		<input type="checkbox"/> 440 Commerce/ICC Rate/Rate
<input type="checkbox"/> 150 Recovery of Overpayment & Extrication of Judgment	<input type="checkbox"/> 313 Federal Employees Liability	<input type="checkbox"/> 428 RR & Track		<input type="checkbox"/> 445 Deportation
<input type="checkbox"/> 161 Medicare Act	<input type="checkbox"/> 314 Marine Product Liability	<input type="checkbox"/> 429 Admin Regs		<input type="checkbox"/> 470 Radiation Influenced and Corrupt Organizations
<input type="checkbox"/> 162 Recovery of Disbursed Student Loans (Excl. Veterans)	<input type="checkbox"/> 315 Motor Vehicle Product Liability	<input type="checkbox"/> 430 Occupational Safety/Health		<input type="checkbox"/> 475 Securities Services
<input type="checkbox"/> 163 Recovery of Overpayments of Veterans' Benefits	<input type="checkbox"/> 316 Motor Vehicles Product Liability	<input type="checkbox"/> 431 Other		<input type="checkbox"/> 480 Securities/Commodities/ Exchange
<input type="checkbox"/> 164 Stockholders Suits	<input type="checkbox"/> 317 Other Personal Injury	PROPERTY RIGHTS		<input type="checkbox"/> 485 Customer Challenge 12 USC 3418
<input type="checkbox"/> 165 Other Contract		<input type="checkbox"/> 318 Fair Labor Standards Act	<input type="checkbox"/> 487 HIA (1988)	<input type="checkbox"/> 491 Agricultural Acts
<input type="checkbox"/> 166 Contract Product Liability		<input type="checkbox"/> 319 Labor/Mgmt Relations	<input type="checkbox"/> 488 Black Lung (BLS)	<input type="checkbox"/> 492 Economic Stabilization Act
<input type="checkbox"/> 167 Franchise		<input type="checkbox"/> 320 Labor/Management & Discretion Act	<input type="checkbox"/> 493 DOL/DRW (404/405)	<input type="checkbox"/> 493 Environmental Matters
		<input type="checkbox"/> 321 Railway Labor Act	<input type="checkbox"/> 494 ERISA Title XVI	<input type="checkbox"/> 494 Energy Allocation Act
		<input type="checkbox"/> 322 Other Labor Legislation	<input type="checkbox"/> 495 FLSA (404/405)	<input type="checkbox"/> 495 Freedom of Information Act
		<input type="checkbox"/> 323 Employment		<input type="checkbox"/> 496 Appeal of Fee Discrimination Under Equal Access to Justice
		<input type="checkbox"/> 324 Housing		<input type="checkbox"/> 497 Constitutionality of State Statutes
		<input type="checkbox"/> 325 Welfare		<input type="checkbox"/> 498 Other Secretary Actions
		<input type="checkbox"/> 326 Other Civil Rights		
		<input type="checkbox"/> 327 Atom w/ Corp - Emp		
		<input type="checkbox"/> 328 Atom w/ Corp - Other		
		<input type="checkbox"/> 329 Consumer Credit		
		<input type="checkbox"/> 330 Cable/Broadcast TV		
		LAW		
		SOCIAL SECURITY		
		FEDERAL TAX SUITS		
		<input type="checkbox"/> 331 Voting	<input type="checkbox"/> 510 Motion to Vacate Sentence/Habeas Corpus	
		<input type="checkbox"/> 342 Employment	<input type="checkbox"/> 518 General	
		<input type="checkbox"/> 343 Housing	<input type="checkbox"/> 520 Death Penalty	
		<input type="checkbox"/> 344 Welfare	<input type="checkbox"/> 524 Injunctions & Other	
		<input type="checkbox"/> 345 Other Civil Rights	<input type="checkbox"/> 525 Civil Rights	
		<input type="checkbox"/> 346 Atom w/ Corp - Corp	<input type="checkbox"/> 526 Prison Conditions	

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. Sec. 1331 (Federal Question); 28 U.S.C. Sec. 1338(a) (Patent Infringement); 28 U.S.C. Sec. 2201(a) (Declaratory Judgment), Action for Patent Infringement; and Declaratory Judgment of Non-Infringement of Patents and/or Invalidity of Patents

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION DEMAND \$ CHECK YES only if demanded in complaint

UNDER F.R.C.P. 23

JURY DEMAND: YES NO

VIII. RELATED CASE(S) PLEASE REFER TO CIVIL L.R. 6-12 CONCERNING REQUIREMENT TO FILE
IF ANY "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)
(PLACE AND "X" IN ONE BOX ONLY) SAN FRANCISCO/OAKLAND SAN JOSE

DATE *October 23, 2006* SIGNATURE OF ATTORNEY OF RECORD *Gregory Evans*

United States District Court
NORTHERN DISTRICT OF CALIFORNIA

E-FILING
ADR

FUJITSU LIMITED, and FUJITSU
MICROELECTRONICS AMERICA, INC.

SUMMONS IN A CIVIL CASE

CASE NUMBER:

C06 06613 EDL

v.
NANYA TECHNOLOGY CORP., and NANYA
TECHNOLOGY CORP. U.S.A.

TO: (Name and address of defendant)

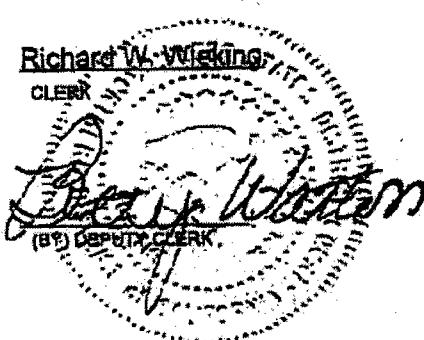
NANYA TECHNOLOGY CORP. U.S.A.
675 East Brokaw Road
San Jose, CA 95112

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Christopher E. Chaisen, Esq.
Milbank, Tweed, Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10017
(212) 530-5219 (facsimile)

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wilkinson
CLERK



OCT 24 2006
DATE

United States District Court **ADR**
NORTHERN DISTRICT OF CALIFORNIA

FUJITSU LIMITED, and FUJITSU
MICROELECTRONICS AMERICA, INC.

SUMMONS IN A CIVIL CASE

CASE NUMBER:

C06 06613

EDL

v.

NANYA TECHNOLOGY CORP., and NANYA
TECHNOLOGY CORP. U.S.A.

TO: (Name and address of defendant)

NANYA TECHNOLOGY CORP.
Hwa-Ya Technology Park 669
Fu Hsing 3rd Rd.
Kuelshan, Taoyuan
Taiwan, Republic of China

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address).

Christopher E. Chaisen, Esq.
Milbank, Tweed, Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10017
(212) 530-5218 (facsimile)

an answer to the complaint which is herewith served upon you, within 40 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wickham
CLERK

Richard W. Wickham
(BY) DEPUTY CLERK

OCT 24 2006

DATE

EXHIBIT C



US006790765B1

(12) **United States Patent**
Huang et al.

(10) **Patent No.:** US 6,790,765 B1
(45) Date of Patent: Sep. 14, 2004

(54) **METHOD FOR FORMING CONTACT**

(75) Inventors: Tse-Yao Huang, Taipei (TW); Yi-Nan Chen, Taipei (TW); Hui-Min Mao, Taipei (TW)

(73) Assignee: Nanya Technology Corporation, Taoyuan (TW)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: 10/720,275

(22) Filed: Nov. 25, 2003

(51) Int. Cl.⁷ H01L 21/4763

(52) U.S. Cl. 438/622; 438/258; 438/637

(58) Field of Search 438/622, 257, 438/258, 637, 638, 639, 620, 621

(56) **References Cited****U.S. PATENT DOCUMENTS**

5,019,527 A * 5/1991 Ohshima et al. 438/257

5,966,602 A * 10/1999 Kawazu et al. 438/258
 6,271,087 B1 * 8/2001 Kinoshita et al. 438/258
 6,348,379 B1 * 2/2002 Wang et al. 438/257
 2003/0211717 A1 * 11/2003 Seo et al. 438/586

* cited by examiner

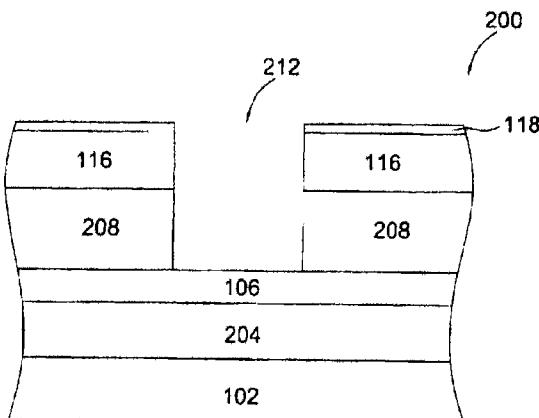
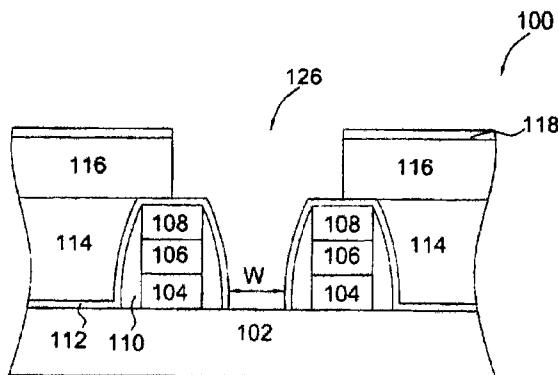
Primary Examiner—Tuan H. Nguyen

(74) Attorney, Agent, or Firm—Birch, Stewart, Kolasch & Birch, LLP

(57) **ABSTRACT**

A method for forming contacts on a semiconductor device is provided. The method includes steps of forming an opening on a gate contact area, depositing a dielectric layer on a bit-line contact area and the opening, coating a photoresist to etch the dielectric layer, removing the photoresist and finally forming a conductive layer on a bit-line contact opening and a gate contact opening.

14 Claims, 9 Drawing Sheets



U.S. Patent

Sep. 14, 2004

Sheet 1 of 9

US 6,790,765 B1

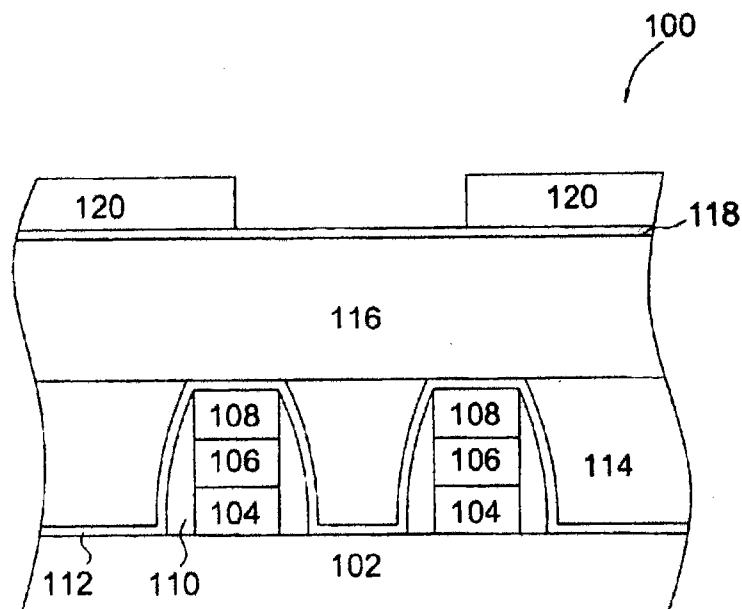


Fig. 1A(prior art)

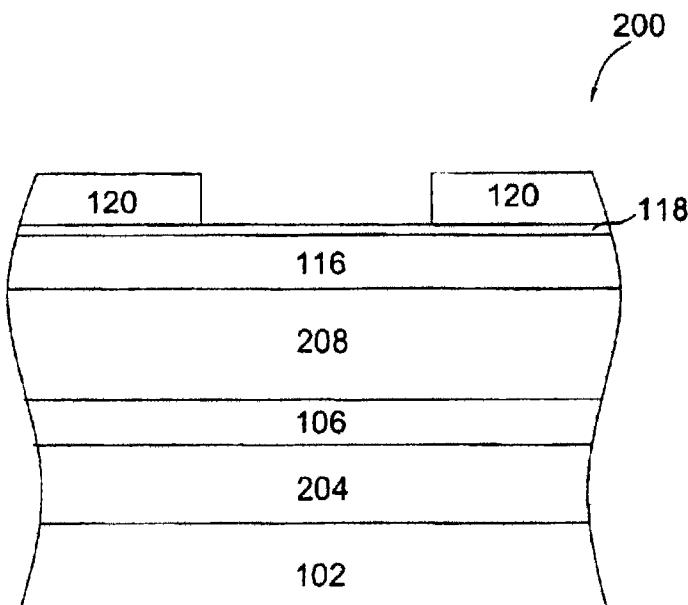


Fig. 1B(prior art)

U.S. Patent

Sep. 14, 2004

Sheet 2 of 9

US 6,790,765 B1

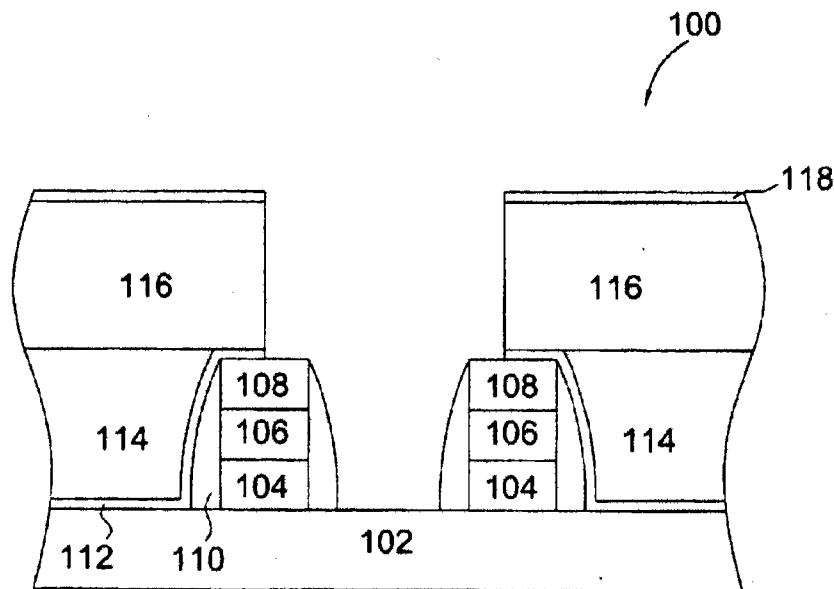


Fig.2A(prior art)

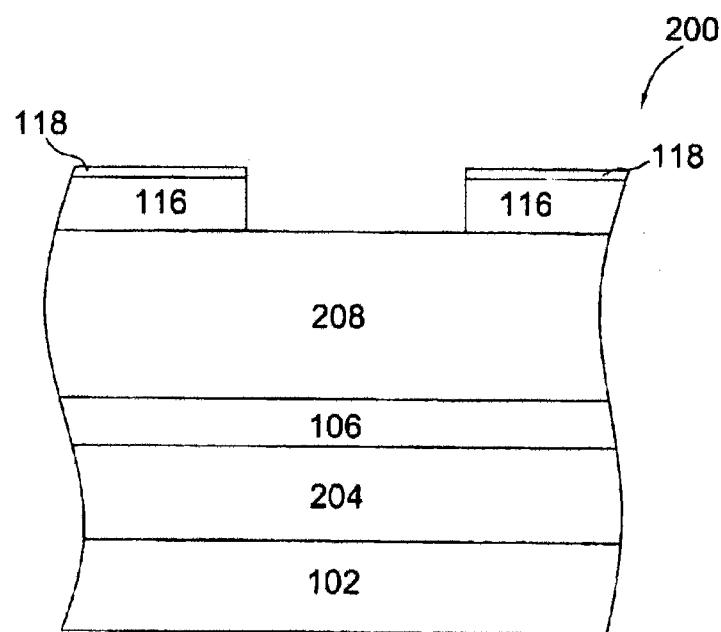


Fig.2B(prior art)

U.S. Patent

Sep. 14, 2004

Sheet 3 of 9

US 6,790,765 B1

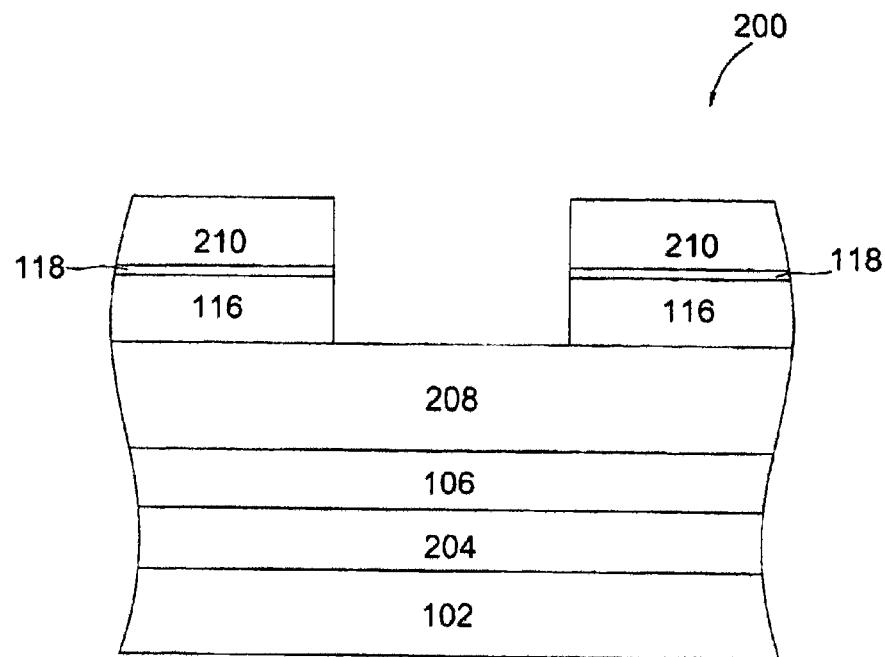


Fig.3A(prior art)

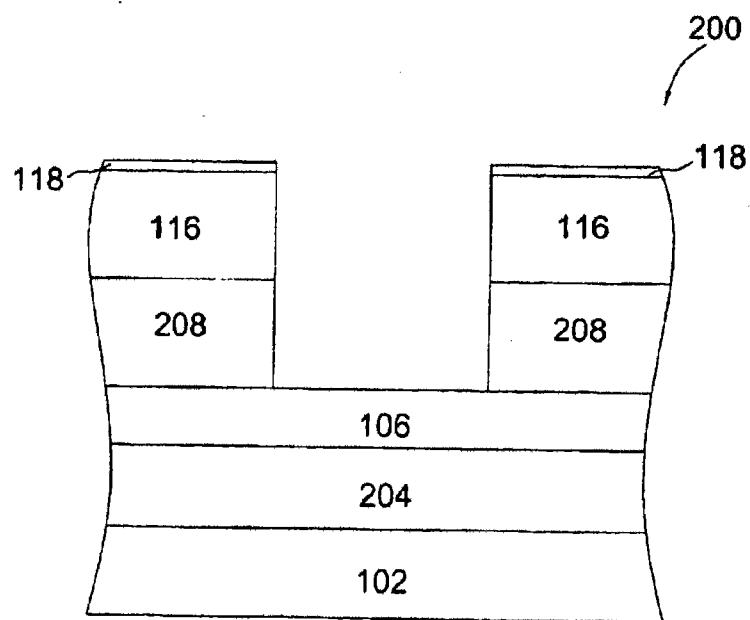


Fig.3B(prior art)

U.S. Patent

Sep. 14, 2004

Sheet 4 of 9

US 6,790,765 B1

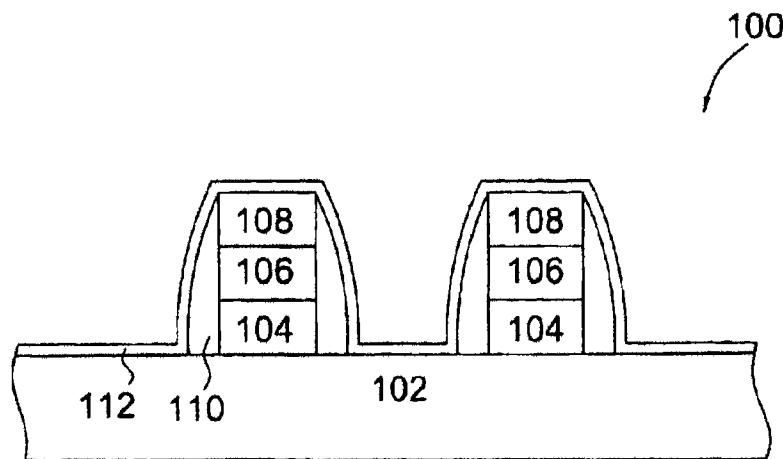


Fig.4A

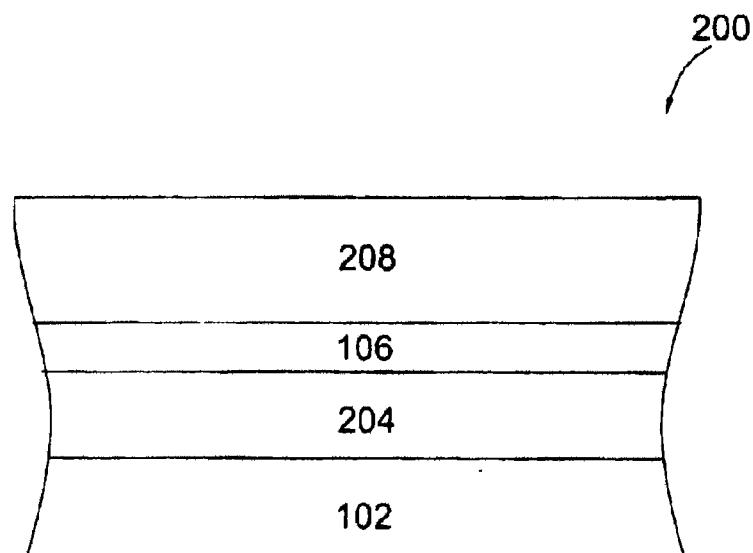


Fig.4B

U.S. Patent

Sep. 14, 2004

Sheet 5 of 9

US 6,790,765 B1

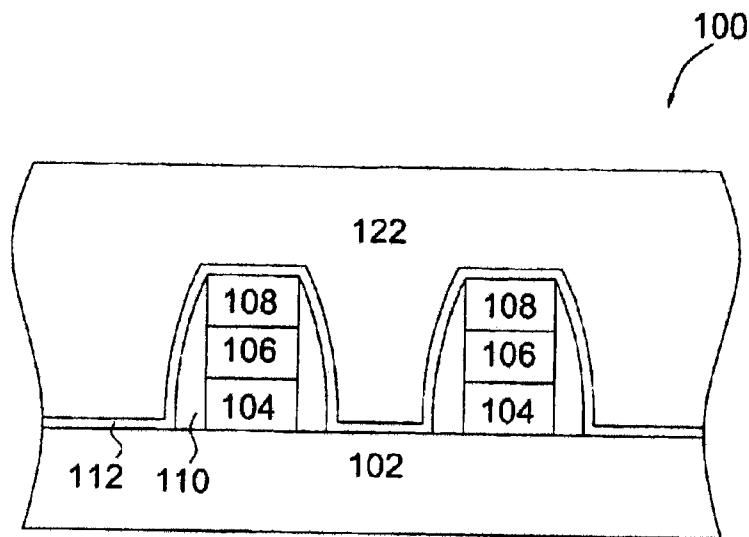


Fig.5A

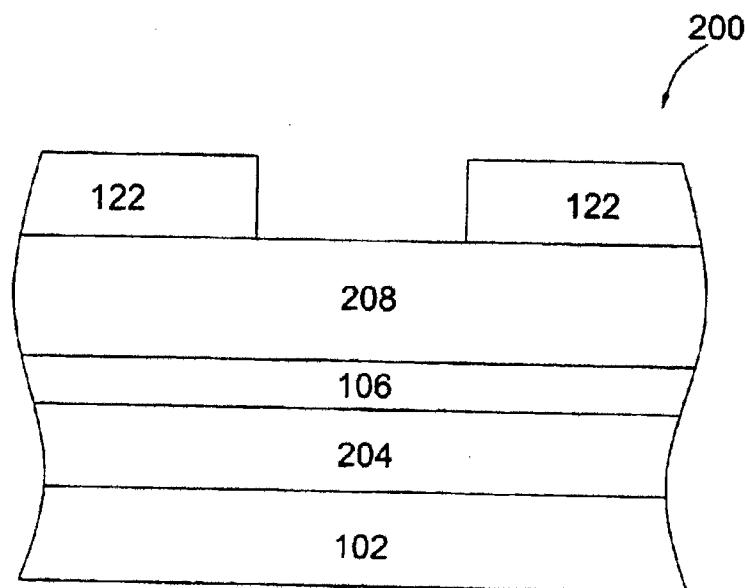


Fig.5B

U.S. Patent

Sep. 14, 2004

Sheet 6 of 9

US 6,790,765 B1

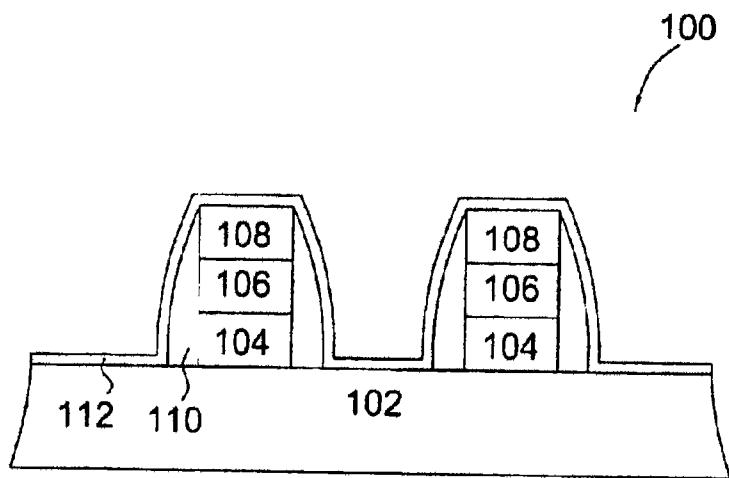


Fig.6A

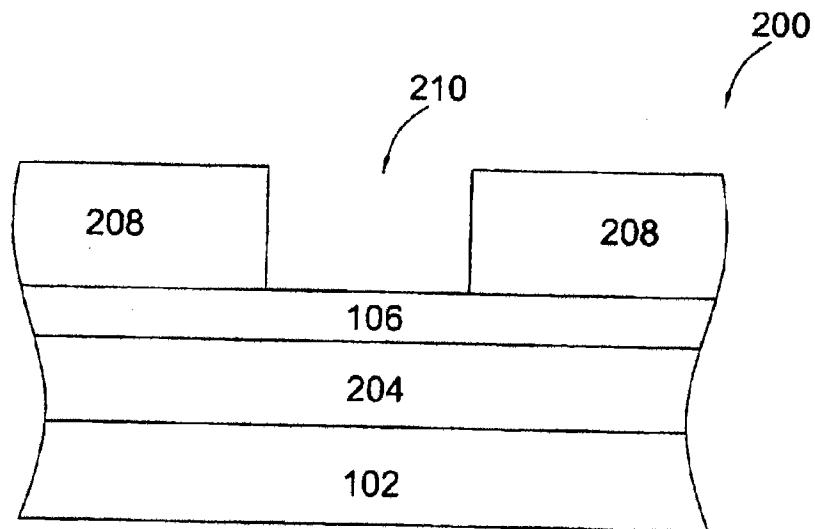


Fig.6B

U.S. Patent

Sep. 14, 2004

Sheet 7 of 9

US 6,790,765 B1

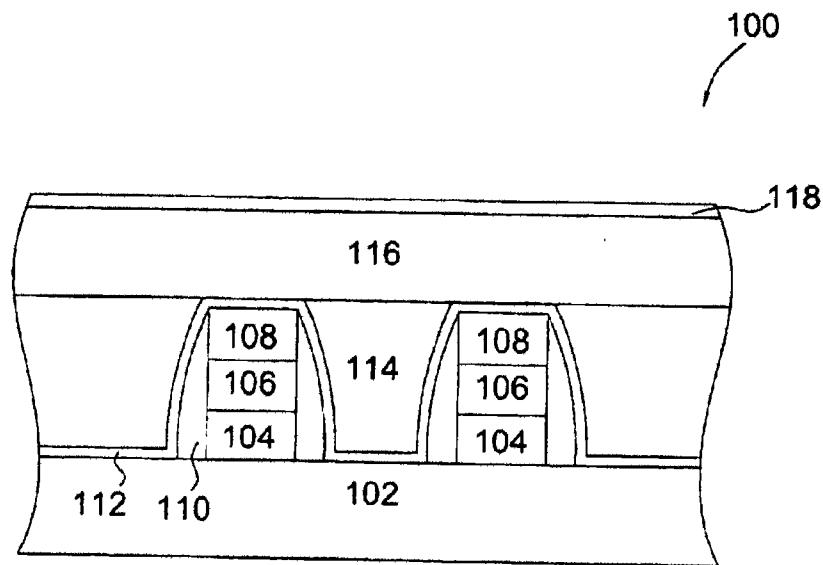


Fig.7A

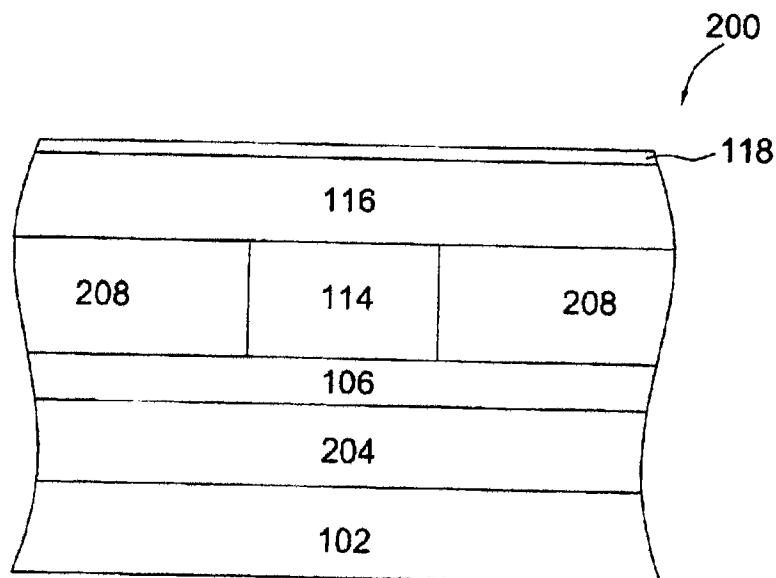


Fig.7B

U.S. Patent

Sep. 14, 2004

Sheet 8 of 9

US 6,790,765 B1

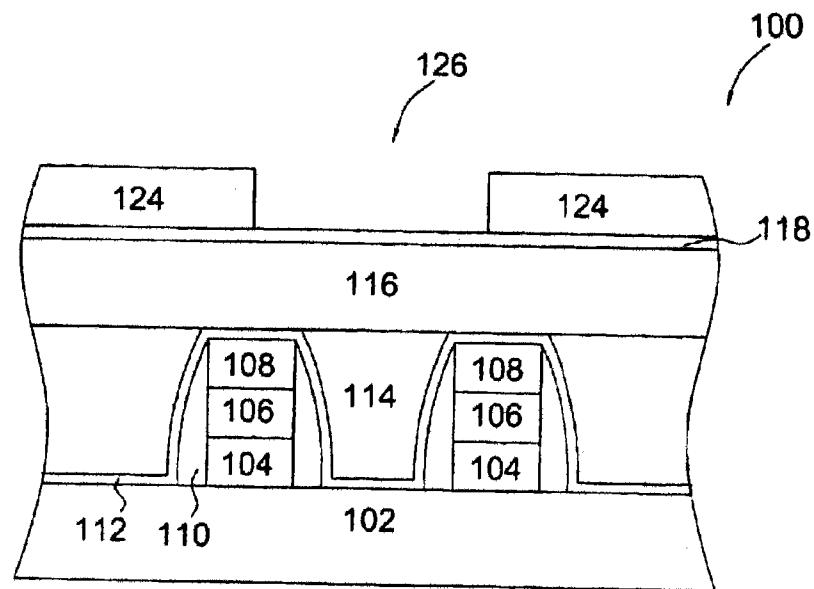


Fig.8A

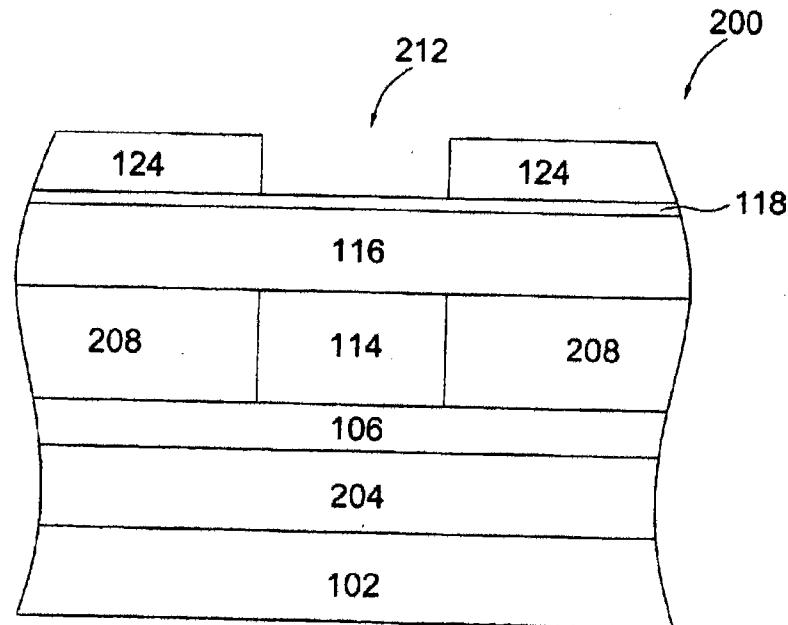


Fig.8B

U.S. Patent

Sep. 14, 2004

Sheet 9 of 9

US 6,790,765 B1

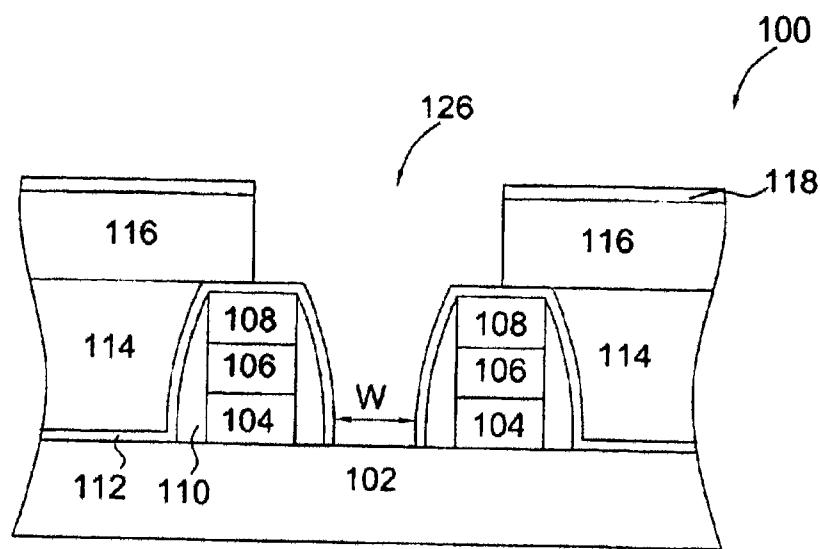


Fig.9A

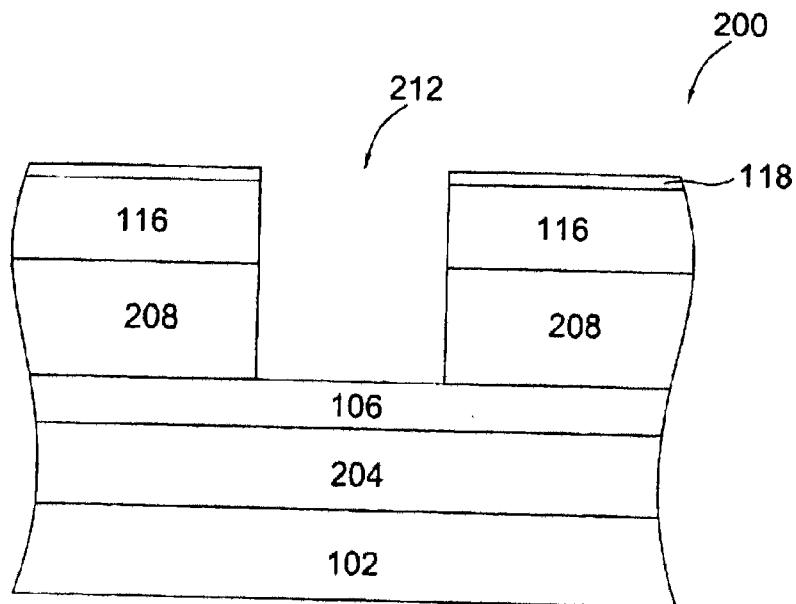


Fig.9B